

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, }
Plaintiff, } 8:10CR50
vs. }
TOSHA A. BYARS, }
Defendant. } ORDER

This matter is before the court on the motion for an extension of time by defendant Tosha A. Byars (Byars) (Filing No. 13). Byars seeks an extension of thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 9). Byars' counsel represents that government's counsel has no objection to the motion. Byars' counsel represents that Byars will file an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Byars' motion for an extension of time (Filing No. 13) is granted. Byars is given until **on or before April 17, 2010**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 19, 2010, and April 17, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of March, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge